

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DAVID W. SVETE,

Plaintiff,

vs.

HOWARD F. WUNDERLICH, *et al.*,

Defendants.

Case No. 2:09-cv-00345-JCM-GWF

**ORDER**

Plaintiff's Motions for Clarification  
(#20) and to Extend Time (#21)


This matter is before the Court on plaintiff David W. Svete's Motions for Clarification (#20) and for Enlargement of Time to File Certificate of Interested Parties (#21), filed June 6, 2011. On May 11, 2011, this Court entered an order requiring Plaintiff to file a Certificate as to Interested Parties pursuant to LR 7.1-1 on or before May 23, 2011. *See* Order (#19). Plaintiff now queries whether the certificate is required of a party proceeding *pro se*. The requirement to file a Certificate as to Interested Parties is not contingent on whether a party is represented. Unless otherwise ordered, it is required of all non-governmental, private parties in all cases except *habeas corpus* cases. It makes no difference that a party might be proceeding *pro se*. *See e.g., King v. Atiyeh*, 814 F.2d 565, 567 (9<sup>th</sup> Cir. 1987) ("[p]ro se litigants must follow the same rules of procedure that govern other litigants."). The failure to submit the certificate when ordered can have detrimental consequences up to and including dismissal of the entire cause of action. *C.f., United States v. Dilullo*, 2007 WL 3124544 (D. Nev. 2007) (dismissing case based on *pro se* defendant's failure to file a Certificate as to Interested Parties).

Plaintiff also requests an extension of time with which to file his Rule 7.1-1 certificate. In its prior Order (#19), the Court ordered that the Certificate be served "no later than **May 23, 2011.**" *See* Order (#19) (emphasis in original). It appears that Plaintiff was not served with the prior order

1 until May 24, 2011 making it impossible for him to comply with the deadline for filing. As such,  
2 he is requesting an additional thirty (30) days to comply with the prior order. Given the apparent  
3 service lag, the Court finds this request reasonable. Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff's Motions for Clarification (#20) and for  
5 Enlargement of Time to File Certificate of Interested Parties (#21) are **granted**. Plaintiff shall file  
6 a Certificate as to Interested Parties, which fully complies with LR 7.1-1 no later than **July 18,**  
7 **2011**. Failure to do so may result in the issuance of an order to show cause why sanctions up to and  
8 including dismissal of this action should not be imposed.

9 DATED this 17th day of June, 2011.

10  
11   
12 **GEORGE FOLEY, JR.**  
13 **United States Magistrate Judge**  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28